HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No:11162 OF 2007

Dated: 08.06.2007

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Between:

1. K.M.V. Jagannadha Rao and others.

..Petitioners

And

The Commissioner, Municipal
Corporation of Visakhapatnam.

..Respondent.

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HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&

HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No:11162 OF 2007

ORDER: (per Hon'ble Smt. Justice T. Meena Kumari)

The present writ petition has been filed by the petitioners aggrieved by the order, dated 15.2.2007 passed by the A.P. Administrative Tribunal, Hyderabad, in O.A.No.8612 of 2001.

Originally, the petitioners who are the applicants filed O.A.No.8612/2001 seeking to set aside the proceedings in retrenchment notice dated 9.11.2001 issued by the respondent-corporation and to declare the inaction of the respondent in not regularizing the services of the petitioners as illegal and unjustified.

According to the petitioners, they have been working on daily wage basis under the control of the sole respondent since more than 10 to 12 years prior to filing of the O.A. Their representations as to the regularization of their services have not been considered and hence, they filed the O.A.

On the other hand, the respondent-commissioner filed counter-affidavit contending that the engagement of the petitioners is on contract basis and for a particular purpose and they can be terminated as and when the work is over and apart from that, the petitioners have not been engaged on daily wage basis and therefore, they are not entitled for appointment to regular posts.

On hearing the rival contentions, the Tribunal having observed that the applicants did not fulfill the six criteria prescribed by that of G.O.Ms.No.212 and therefore, they are not entitled to any of the reliefs claimed therein, dismissed the O.A. Having aggrieved by the same, the present writ petition is filed.

Heard the learned Counsel for the petitioners as well as the learned Standing Council for respondent.

It is contended by the learned Counsel for the petitioners that the petitioners have been working since 1988 and they were engaged

on daily wage basis but not on contract basis and they are eligible for regularization of their services and there is sufficient work for them in the corporation and that the corporation has been utilizing utilized their services in various categories.

On the other hand, the learned Counsel for the respondent-corporation contended that the petitioners are engaged on contract basis and their services can be terminated as and when the work is over and apart from that, they are not entitled for the benefits of G.O.Ms.No.212 as rightly observed by the Tribunal and therefore, the order of the Tribunal is justified and the writ petition is liable to be dismissed.

On a perusal of the order impugned, it is obvious that the petitioners have been working since 1988 and the said fact is not denied by the respondent-corporation. In view of the length of service of the petitioners in the respondent-corporation, we feel that the finding of the tribunal is not sustainable and therefore, the order impugned is liable to be set aside.

In the peculiar circumstances of the case and considering the length of the service of the petitioners, We deem it appropriate to direct the respondents to consider the case of the petitioners in pursuance of the criteria laid down in G.O.Ms.No.212, if they are otherwise eligible, within a period of three months from the date of receipt of a copy of the order.

Subject to the above direction, the writ petition is allowed setting aside the order impugned. No order as to costs.

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Justice T. Meena Kumari

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Justice G. Chandraiah

Date: 8th June, 2007
Nn/Gurc.

HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No:11162 OF 2007

(Order delivered by the Hon'ble Smt. Justice T. Meena Kumari)

08/06/2007

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CIVIL REVISION PETITION No:744 OF 2005

28.1.2006